IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2320 OF 2005

Mahendra C. Chokshi ....petitioner.

V/s

D.A. Paka & anr. ...Respondents.

Mr. S.V. Marwadi for the petitioner.
Mrs. M.M. Deshmukh APP for the State.

CORAM: V.M. KANADE, J.
DATE : 1st August, 2006

P.C.:

1. Heard the learned Counsel for the petitioner.

2. Petitioner is challenging the order of issuance of process by the Chief Judicial Magistrate, Alibaug in a complaint wich is filed under section 7(A)(2)(b) read with section 92 of the Factories Act.

3. One person was injured in the factory and a complaint was filed by respondent No.1 and the report was submitted that safety measures were not followed by the occupier of

the factory. It is submitted that in the statement of the injured before the police, he has admitted that the accident had taken place on account of his mistake. The learned Counsel for the petitioner also invited my attention to the statement of Police Officer and the report of the Factory Inspector. It is submitted that perusal of this statement clearly indicated that no case was made out against the petitioner.

4. It is not possible to accept the said submission because, at this stage, it is not open for this Court to appreciate the evidence on record. Hence, no case is made out for interfering with the order of issuance of process. Keeping all the questions open, petition is dismissed.

(V.M. KANADE, J.)